

REMARKS

I. Status of the Application

Claims 1-27 are pending in this application. In the May 20, 2003 office action, the Examiner:

1. Withdrew claims 17 and 24-27 from further consideration as being drawing to a nonelected species, and there allegedly being no allowable generic or linking claim;
2. Allowed claims 1-10;
3. Rejected claims 11-13 and 18-20 under the judicially created doctrine of obviousness-type double patenting, over claims 11-12 and 14-16 of U.S. Patent No. 6,304,447 in view of WIPO Publication No. WO 98/28961 to Magnet-Motor Gesellschaft fur Magnetomotorische Technik MBH (hereinafter "Wickelmaier");
4. Rejected claims 14-16 and 21-22 under the judicially created doctrine of obviousness-type double patenting, over claims 11-12 and 14-16 of U.S. Patent No. 6,304,447 in view of Wickelmaier, in further view of U.S. Patent 4,684,328 to Murphy et al. (hereinafter "Murphy");
5. Rejected claims 11-13, 18 and 20 under 35 U.S.C. § 103(a) as allegedly being obvious over Wickelmaier in view of U.S. Patent No. 4,302,793 to Rohner (hereinafter "Rohner");
6. Rejected claims 14-16 and 21-22 under 35 U.S.C. § 103(a) as allegedly being obvious over Wickelmaier in view of Rohner in further view of Murphy; and
7. Rejected claim 19 under 35 U.S.C. § 103(a) as allegedly being obvious

over Wickelmaier in view of Rohner in further view of U.S. Patent No. 6,052,284 to Suga et al.; and

8. Deemed claim 23 allowable if rewritten to incorporate all of the limitations of the base claim and any intervening claim.

In this response, applicants have cancelled claims 11-16 and 21-23 without prejudice. Applicants have amended claim 18 to place that claim in a condition for allowance. Applicants respectfully request allowance of claims 18-20 in view of the foregoing amendments and the following remarks.

II. Claim 18 is in a Condition for Allowance

Claim 18 has been amended such that it is of substantially the same scope as claim 23, now cancelled. In other words, claim 18 represents claim 23 rewritten to incorporate all of the limitations of the base claim and any intervening claims. Accordingly, claim 18 now contains subject matter deemed allowable by the Examiner in the November 20, 2003 office action. Claims 19 and 20 depend from claim 18, and are therefore allowable for at least the same reasons.

III. Duty of Disclosure

Applicants and Applicants' attorney acknowledge the Duty of Disclosure. Applicants' attorney acknowledges this rule every time the Applicants' attorney files documents related to prosecution of patents before the United States Patent and Trademark Office. Applicants do not now and have not ever considered U.S. Patent No.

6,304,447 material to patentability of any pending, withdrawn or canceled claims in the present application. Applicants considered U.S. Patent 6,304,447 so patentably distinct from the present invention that no effort was ever made to claim priority to U.S. Patent No. 6,304,447. U.S. Patent No. 6,304,447 fails to claim *any* actuator. Applicants have not traversed the Examiner's rejection on this ground as a matter of expedience, not as acquiescence to the Examiner's position.

It is respectfully submitted that there are no pertinent documents or *any* related copending applications and/or patents. However, the Examiner will note that U.S. Patent Nos. 6,175,501; 6,208,511; and 6,262,363 show prior art similar to, but less relevant than, U.S. Patent No. 6,304,447.

IV. Conclusion

For all of the foregoing reasons, it is respectfully submitted that the application is in a condition for allowance. Favorable reconsideration and allowance of this application is, therefore, earnestly solicited.

Respectfully Submitted,



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